



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY REGION III  
Philadelphia, Pennsylvania 19103-2029

**VIA ELECTRONIC MAIL**

October 28, 2021

Mr. Drew Odabashian, Managing Member  
[dodabashian@horizonlandco.com](mailto:dodabashian@horizonlandco.com)

Ms. Rikki Drykerman, General Counsel  
[rdrykerman@horizonlandco.com](mailto:rdrykerman@horizonlandco.com)

Boone's Estates MHC, LLC  
1091 Mt Zion Marlboro Road  
Lothian MD 20711

RE: CWA Section 308 Information Requirement to Boone's Estates MHC, LLC

Dear Mr. Odabashian and Ms. Drykerman:

Enclosed please find an Information Requirement from the United States Environmental Protection Agency ("EPA") pursuant to Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318 that requires Boone's Estates MHC, LLC, to provide additional information as a part of its investigation with the compliance of Boone's Estates Manufactured Home Community ("MHC")'s wastewater treatment plant with the CWA and regulations promulgated thereunder. EPA previously sent an Information Requirement to Horizon Land Management, LLC on July 1, 2020 regarding Maryland Manor MHC, Patuxent MHC, and Boone's Estates MHC. The response EPA received noted that while the request was addressed to Horizon Land Management, the response was being submitted by Maryland Manor MHC, LLC, Patuxent MHC, LLC, and Boone's Estates MHC, LLC. This request contains questions for Boone's Estates MHC, LLC. Separate requests are being sent to Horizon Land Management, LLC, Patuxent MHC, LLC, Maryland Manor MHC, LLC, and Lyons Creek MHC, LLC.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with the deadlines set forth, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Providing misleading, false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Your response to this Information Requirement is required within **thirty (30) days of receipt of this letter**. Please submit your response electronically to Aviva Reinfeld ([reinfeld.aviva@epa.gov](mailto:reinfeld.aviva@epa.gov)) and Kaitlin McLaughlin ([mclaughlin.kaitlin@epa.gov](mailto:mclaughlin.kaitlin@epa.gov)).

As noted in the First Information Requirement, you may assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information required herein when it is received, EPA may make the information available to the public without further notice to you.

RE: CWA Section 308 Information Requirement to Boone's Estates MHC, LLC

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

This request is of an ongoing nature. Should any additional information or documentation become available after provision of the responsive documents by Respondents then Respondents are under an obligation to provide such additional information or documentation to EPA.

Should you have any questions regarding this Information Requirement, please contact Kaitlin McLaughlin at (215) 814-2393, [mclaughlin.kaitlin@epa.gov](mailto:mclaughlin.kaitlin@epa.gov), or your counsel may contact Aviva Reinfeld, Assistant Regional Counsel, at (215) 814-2632, [reinfeld.aviva@epa.gov](mailto:reinfeld.aviva@epa.gov).

Sincerely,

for

Richard A. Rogers, Branch Chief  
Water Branch  
Enforcement and Compliance Assurance Division

Enclosure (1)

cc: Sharon Talley, MDE ([sharon.talley@maryland.gov](mailto:sharon.talley@maryland.gov))  
Kaitlin McLaughlin (EPA) ([mclaughlin.kaitlin@epa.gov](mailto:mclaughlin.kaitlin@epa.gov))  
Aviva Reinfeld, Esq. (EPA) ([reinfeld.aviva@epa.gov](mailto:reinfeld.aviva@epa.gov))

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
Boone's Estates MHC, LLC,	:	Proceeding under Section 308 of
	:	the Clean Water Act, 33 U.S.C. § 1318
Respondent.	:	
	:	<b>INFORMATION REQUIREMENT</b>
	:	
	:	

**I. STATUTORY AUTHORITY**

1. This Information Requirements is issued under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Boone's Estates MHC, LLC, ("Respondent") to provide the information specified below.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:

- a. Developing or assisting in the development of any effluent limitation, or other limitation prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
- b. Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
- c. Any requirement under Section 308 of the CWA; and
- d. Carrying out Section 305, 311, 402, 404, and 504 of the CWA.

3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

4. You may assert a business confidentiality claim covering all or part of the information

submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.

5. This Information Requirement does not preclude EPA from performing inspections.

### III. INSTRUCTIONS

6. Provide a separate narrative response for each question set forth below and for each subpart of each question.
7. Identify each answer with the corresponding number of the question and subpart to which it responds.
8. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
9. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
10. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
11. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
12. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of each Respondents and authorized to respond on behalf of that entity.

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.*

Signed: \_\_\_\_\_

RE: CWA Section 308 Information Requirement to Boone's Estates MHC, LLC

Title: \_\_\_\_\_

Date: \_\_\_\_\_

13. All information shall be submitted within 30 days of receipt of this Request for Information electronically to:

Kaitlin McLaughlin  
Enforcement and Compliance Assurance Division  
United States Environmental Protection Agency, Region III  
1650 Arch Street (3ED31)  
Philadelphia, PA 19103-2029  
[mclaughlin.kaitlin@epa.gov](mailto:mclaughlin.kaitlin@epa.gov)

#### IV. DEFINITIONS

14. The term "Horizon" shall refer to Horizon Land Management, LLC and its subsidiaries, past and present members, affiliates, predecessors or successors-in-interest, assignees, managers, officers, supervisors, officials, employees, servants, agents, representatives, consultants, and contractors and all other person acting on its behalf.

15. The term "MHC" refers to a "manufactured home community."

16. The term "Boone's Estates MHC" refers to the MHC located at 1091 Mt Zion Marlboro Road, Lothian MD 20711.

17. The term "Patuxent MHC" refers to the MHC located at 5380 Sands Rd, Lothian MD 20711.

18. The term "Maryland Manor MHC" refers to the MHC located at 1500 Berkley Ct, Harwood, MD 20776.

19. The term "Lyons Creek MHC" refers to the MHC located at 1007 Lower Pindell Rd, Lothian, MD 20711.

20. The term "Boone's Estates MHC, LLC" refers to the MHC located at 1091 Mt. Zion Marlboro Road, Lothian MD 20711 and its subsidiaries, past and present members, affiliates, predecessors or successors-in-interest, assignees, managers, officers, supervisors, officials, employees, servants, agents, representatives, consultants, and contractors and all other person acting on its behalf.

21. The term "Patuxent MHC, LLC" refers to the MHC located at 5380 Sands Rd, Lothian MD 20711 and its subsidiaries, past and present members, affiliates, predecessors or successors-in-interest, assignees, managers, officers, supervisors, officials, employees, servants, agents, representatives, consultants, and contractors and all other person acting on its behalf.

22. The term "Lyons Creek MHC, LLC" refers to Lyons Creek MHC, LLC, the MHC

located at 1007 Lower Pindell Rd, Lothian, MD 20711, and its subsidiaries, past and present members, affiliates, predecessors or successors-in-interest, assignees, managers, officers, supervisors, officials, employees, servants, agents, representatives, consultants, and contractors and all other person acting on its behalf.

23. The term "Maryland Manor MHC, LLC" refers to the MHC located at 1500 Berkley Ct., Harwood, MD 20776 and its subsidiaries, past and present members, affiliates, predecessors or successors-in-interest, assignees, managers, officers, supervisors, officials, employees, servants, agents, representatives, consultants, and contractors and all other person acting on its behalf.

24. "WWTP" refers to the wastewater treatment plant at Boone's Estates MHC.

25. The "first information request" refers to the Clean Water Act Section 308 Information Requirement Issued to Horizon Land Management, LLC on July 1, 2020.

26. The term "document" shall refer to a "writing," "recording," and "photograph" as those terms are defined in Rule 1001 of the Federal Rules of Evidence. The term "document" shall also refer to electronically stored "writings," "recordings," "emails," and "reports," among other things, created in the ordinary course of business and that are relevant to the operation or business undertakings of Respondents or other business entities owned or operated by Respondents. Documents should be produced as they are kept in the usual course of business.

27. The term "communication" means any act or instance of information being transmitted, including by verbal, written, and electronic means.

28. The term "pollutant" refers to "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." 40 C.F.R. § 122.2.

29. The term "Notice of Intent" refers to the application for coverage under a general National Pollution Discharge Elimination System ("NPDES") permit issued by the Maryland Department of the Environment ("MDE"), authorizing certain discharges of pollutants.

30. "NPDES Permit" refer to permit coverage granted to the manufactured home community under the general National Pollution Discharge Elimination System permit issued by MDE authorizing certain discharges of pollutants.

31. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondents. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondents, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.

32. The term "Day" shall mean a calendar day. In computing any period of time under this Request pursuant to Section 308, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.

## V. INFORMATION REQUIREMENT

Respondents are hereby required, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, to submit the following information to EPA within 30 days of receipt of this Information Requirement pursuant to the instructions and definitions set forth above.

1. On what date was Boone's Estates MHC LLC established? For what purpose was it established? Who established the Boone's Estates MHC LLC?
2. Who has owned Boone's Estates MHC since October 1, 2016?
3. Describe the corporate structure of each Boone's Estates MHC, LLC, including any parent corporations or subsidiaries.
4. List all assets Boone's Estates MHC, LLC currently owns or owns in conjunction with other partners.
5. What are the sources of funding for Boone's Estates MHC, LLC?
6. What is Horizon Land Management, LLC's relationship to Boone's Estates MHC, LLC?
7. What is Horizon Land Co. LLC's relationship to Boone's Estates MHC, LLC?
8. Describe the nature and extent of any ownership interest that Horizon Land Management, LLC and/or Horizon Land Co. LLC may have in Boone's Estates MHC, LLC, and when and how such ownership interest was acquired.
9. Does Horizon Land Management, LLC and/or Horizon Land Co. LLC or any of their subsidiaries provide, or ever provided any assistance, guidance, advice, or input of any nature to Boone's Estates MHC, LLC in the preparation or formulation of Boone's Estates MHC, LLC's business strategy, business goals, budgets, forecasts, etc.? If so, explain in detail.
10. How many employees, officers, and/or directors does Boone's Estates MHC, LLC have? List the names and titles for all corporate officers and/or directors.
11. How many employees, officers, and/or directors does Boone's Estates MHC, LLC have? List the names for all corporate officers and/or directors, and their roles.
  - a. Do Rikki Drykerman, Drew Odabashian, Ryan Hotchkiss, Kate Costello and/or Emmett Conneely work for Boone's Estates MHC, LLC? If so, what are their titles?
  - b. Please list the names of all people who provide legal counseling and representation for Boone's Estates MHC, LLC.
12. Do Horizon and Boone's Estates MHC, LLC now have, or has Horizon or any of its subsidiaries and Boone's Estates MHC, LLC ever had, common directors? If so, provide the names and dates of service of such directors.

13. Have any of Boone's Estates MHC, LLC's employees ever been employed by Horizon or any of Horizon's subsidiaries? If so, provide each such employee's name, job title, and dates of employment.

14. Which entity (or entities) pays the salaries of Rikki Drykerman, Drew Odabashian, Ryan Hotchkiss, Kate Costello and Emmett Conneely?

15. Do any of the employees, officers, and/or directors of Boone's Estates MHC, LLC participate in any manner in any savings programs, Employee Stock Ownership Plans, pension plans, deferred compensation or other arrangements offered or sponsored by Horizon or any of Horizon's subsidiaries? If so, explain in detail.

16. Has Boone's Estates MHC, LLC received any loan(s) from Horizon or any of its subsidiaries? If so, provide complete information pertaining to such loan(s), including copies of all loan documentation (including loan agreements, promissory notes, guarantees, security agreements, financing statements, amortization/payment tables), and complete information pertaining to any assignment, extension, composition, restructuring, etc. of such loan(s). For the purposes of this question, "loan" shall include the establishment of a line credit by Horizon or any of its subsidiaries for the use and/or benefit of Boone's Estates MHC, LLC, whether or not such line of credit has ever been drawn on.

17. Has Boone's Estates MHC, LLC ever leased or rented any furnishings, fixtures, equipment, personal, or real property from Horizon or its subsidiaries? If so, provide a complete description of the type of property leased or rented, and the terms and duration of such arrangement.

18. Have directors, officers, and/or employees of Boone's Estates MHC, LLC ever received any training of any nature from Horizon, or any of Horizon's subsidiaries? If so, provide a complete description of such training, including the nature of the training, who it was offered to, who participated in it (both as instructors and instructees), and when and where it was conducted.

19. Has Boone's Estates MHC, LLC ever transacted any business with Horizon, or any of its subsidiaries? This includes the purchase of goods or services by Boone's Estates MHC, LLC or any subsidiary thereof, from Horizon, or the sale of goods or services by Boone's Estates MHC, LLC, or any subsidiary thereof, to Horizon. If you answer yes to this question, provide complete information regarding the nature and extent of such transactions or business relationship.

20. Has Horizon, or any of its subsidiaries ever acted directly or indirectly to guarantee any loan made to Boone's Estates MHC, LLC? If so, provide complete information regarding such arrangement, including copies of all documents pertaining to such arrangement.

21. Is Boone's Estates MHC, LLC required to receive, or does Boone's Estates MHC, LLC receive, Horizon's approval or concurrence or the concurrence of any of Horizon's subsidiaries when making expenditures? If so, explain in detail.

22. Provide any charters, mobile home community agreements, and/or community rules for Boone's Estates MHC from the date Boone's Estates MHC, LLC was established to present.

- a. For any of the charters, mobile home community agreements, and/or community rules provided for this question, state the names of the people who drafted these agreements and their positions.



23. Do residents of Boone's Estates MHC pay regular fees to Boone's Estates MHC? If so, what is the fee structure, and what services do the fees go towards? Include any fees for utilities.

- a. Please include in this answer the fee structure for drinking water and sewage/wastewater fees for Boone's Estates MHCs (for example, flat fee, included in rent, or some other method).

24. Do residents of Boone's Estates MHC have any financial responsibilities related to sewage disposal?

25. Does Boone's Estates MHC, LLCs have by-laws? If so, please provide them.

26. Please provide any and all contracts between Horizon and Boone's Estates MHC, LLC for the provision of any and all services from the date Boone's Estates MHC, LLC was established to present.

27. What information does Boone's Estates MHC LLC disclose to its residents regarding the ownership structure of the MHC?

28. What representations does Boone's Estates MHC LLC make to its residents regarding Horizon Land Management, LLC's relationship to the MHC?

29. The response to the first information request stated that the WWTPs at Maryland Manor MHC, Patuxent MHC, and Boone's Estates MHC were operated by a contract wastewater treatment operator, Water Services, Inc. ("WSI") until July 15, 2019. Then, effective, July 16, 2019, the contract operator for each WWTP changed to Professional Startup & Operational Services, Inc. ("Prostart") until terminated on March 31, 2020 due to "performance concerns." Effective April 1, 2020, Singh Operational Services, Inc. ("SOS") began operating the WWTPs.

- a. In each instance, who made the decision to enter into a contract with WSI, Prostart, and SOS on behalf of Boone's Estates MHC LLC? Please provide the names of the individuals, and their affiliation(s).
- b. Please provide any and all contracts with the contract operators (WSI, Prostart, and/or SOS) related to the WWTP at Boone's Estates MHC, LLC.
- c. Who negotiated the contract(s), if any? Provide the name and title of the person(s).
- d. Who, if anyone provides oversight of the contract operators for Boone's Estates MHC's WWTP? Please provide their names, titles, and affiliations.

30. Identify all persons, including employees of Boone's Estates MHC, LLC, who may have knowledge, information or documents about the management of Boone's Estates MHC's WWTP.

31. Is Boone's Estates MHC, LLC required to receive, or does Boone's Estates MHC LLC receive, Horizon's approval or concurrence or the concurrence of any of Horizon's subsidiaries when making decisions relating to the management of Boone's Estates MHC's WWTP? If so, explain in detail.

32. Who authorizes repairs or purchasing of new equipment for Boone's Estates MHC's wastewater treatments plant?

33. Who performs repairs at Boone's Estates MHC's wastewater treatment plant?

34. For any persons identified in response to the above request, describe that person's acts or failure to act that may have caused an effluent exceedance at Boone's Estates MHC.

35. Do Horizon and Boone's Estates MHC, LLC now, or has they ever, filed consolidated tax returns? If so, provide complete copies of such returns.

36. Please provide property tax returns for Boone's Estates MHC LLC since the date Boone's Estates MHC, LLC was established to present.

37. Has Horizon or Boone's Estates MHC LLC ever applied for funding through the Bay Restoration Fund per COMAR 36.03.13.03(B)(2)(b), or have plans to submit an application for funding in the future? Please provide any applications submitted, if applicable.

38. The response to the first information request stated on page 1 that:

we have been engaged in discussions concerning the potential transfer of the WWTPs to Anne Arundel County . . . We met with representatives of the County's Public Works Department in September 2019 to preliminarily discuss transfer and conversion of our WWTPs . . . It is our understanding that under the County's preferred approach, the Boones Estates, Maryland Manor and Patuxent WWTPs would be used as lift stations, and another private sewer system (Waysons Woods) would be used as the WWTP. We further understand that County representatives have provided information regarding proposed conversion alternatives to the MDE, and that a meeting will soon be scheduled with MDE representatives to discuss the alternatives. We expect to receive proposed transfer documentation in the coming weeks from the County.

Please provide an update on these plans and any recent communications. Were there any meetings with MDE? Has Boone's Estates MHC, LLC received proposed transfer documentation from the County?

39. What measures, projects, purchases or improvements has Boone's Estates MHC LLC taken to address non-compliance since the last information request response and EPA inspection to come into compliance?

40. In Boone's MHC's last response, it stated that following EPA's inspection, the contract operator at Boone's Estates MHC

41. identified an organic defoamer that is successfully removing foam from areas of the WWTP, and that the contract operator is working to address bulking issues attributable to microorganisms and old sludge. Has solids management at Boone's Estates MHC improved since implementing these changes?

42. Has Boone's Estates MHC purchased and installed a rotary cloth filter, or some other equivalent functioning part?

a. If so, who bought the rotary cloth filter?

43. Please provides Operation and Maintenance ("O&M") manual for Boone's Estates MHC. If an O&M manual has not yet been completed, provide a status update on the development of an O&M manual.

- a. What equipment requires calibration? How often should that equipment be calibrated?
- b. What is the correct UV intensity setting for each plant?

44. Describe any actions that have been taken at Boone's Estates MHC to upgrade equipment and/or infrastructure and provide evidence of implementation of those actions.

- a. What entity pays for these upgrades?

45. Provide an explanation for the effluent exceedances that have occurred since the EPA inspection in December 2020 at Boone's Estates MHC.

46. Provide a copy of the sludge utilization permit for Boone's Estates MHC, as required by provision III.7 in Boone's Estates MHC's NPDES permit.

47. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

48. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

## VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: \_\_\_\_\_

for

\_\_\_\_\_  
Richard A. Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division  
EPA, Region III